

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: BAIR HUGGER FORCED AIR
WARMING PRODUCT LIABILITY
LITIGATION

MDL No. 15-md-02666 (JNE/DTS)

This Document Relates To:

RENA BURCH,

Civil Action No. 17-cv-4288

Plaintiff,

**DECLARATION OF WILLIAM E. HYMES IN SUPPORT OF
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, William E. Hymes, declare as follows:

1. I am an attorney at Loncar & Associates and Counsel for Plaintiff Rena Burch in the above-captioned matter.

2. I submit this affidavit in opposition to Defendant's Motion to Dismiss for Failure to Comply with Pretrial Order No. 23 [Dkt. 1740] filed on February 7, 2019.

3. Ms. Burch contacted Loncar & Associates regarding injuries that were allegedly caused by the Bair Hugger patient warming device.

4. Medical records pertaining to Ms. Burch's treatment were obtained by Loncar & Associates. Those records indicated that a Bair Hugger device was used during her initial orthopedic surgery.

5. This case was filed on September 15, 2017 to comply with the statute of limitations deadline.

6. Plaintiff's daughter, Joni Ward, informed Counsel on December 4, 2019 that Rena Burch had passed away on May 14, 2018. Counsel filed the Suggestion of Death on February 14, 2019.

7. Probate proceedings were initiated on or about February 1, 2019 to appoint Ricky Ward, son-in-law of Rena Burch as Personal Representative of the Estate of Rena Burch for the purpose of prosecuting this action.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

RESPECTFULLY SUBMITTED,

Dated: February 14, 2019

/s/William E. Hymes
William Hymes (Tx. 24029624)
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